

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

In re: ) Chapter 11  
 )  
DAVID KORTAN, ) Case No. 07 B 18547  
 )  
Debtor in Possession. ) Hon. Susan Pierson Sonderby  
 ) Hearing: 12/22/2009 at 10:00 a.m.

**NOTICE OF MOTION**

To: See attached service list

PLEASE TAKE NOTICE that on December 22, 2009 at 10:00 a.m., I shall appear before the Honorable Susan Pierson Sonderby, or any other Judge sitting in her stead, in Courtroom 644, Dirksen Federal Building, 219 S. Dearborn St., Chicago, IL, and shall then and there present the Debtors' **Motion for Final Decree**, a copy of which is enclosed and is herewith served upon you, and at which time and place you may appear and be heard.

/s/ Peter L Berk  
One of Debtors' attorneys

Forrest L. Ingram, Esq.  
Peter Berk, Esq.  
79 W. Monroe St., Suite 900  
Chicago, IL 60603  
(312) 759-2838

**CERTIFICATE OF SERVICE**

I, Peter L Berk, an attorney, certify that I caused a true and correct copy of the foregoing notice and the document to which it refers to be served upon the parties listed on the attached service list, either by ECF electronic delivery or by regular mail, as indicated on the list, by 5:00 P.M. on December 9, 2009.

/s/ Peter L Berk

## SERVICE LIST

Office of the U.S. Trustee  
227 W. Monroe, Suite 3360  
Chicago, IL 60605

\*via ECF

Kathryn A Klein  
Riezman Berger PC  
7700 Bonhomme  
7th Floor  
St Louis, MO 63105

Advanta  
P.O. Box 30715  
Salt Lake City, UT 84130

\* via regular mail

American Express FSB  
c/o Becket & Lee  
PO Box 3001  
Malvern, PA 19355-0701

Brazos Student Finance Corp.  
2600 Washington Ave  
Waco, TX 76710

Chase Student Loan Servicing, LLC  
Brazos Student Finance Corp.  
PO Box 523  
Madison, MS 39130

Chase Bank, USA, N.A.  
PO Box 100018  
Kennesaw, GA 30156-9104

Chase Bank USA  
c/o Weinstein & Riley  
PO Box 3978  
Seattle, WA 98124-3978

Chase Bank USA, NA  
PO Box 15145  
Wilmington, DE 19850-5145

JP Morgan Chase Bank, N.A.  
Crowley & Lamb C/O Adela C. Lucchesi  
350 N. LaSalle Street, Suite 900  
Chicago, IL 60610

Countrywide Home Lending  
Bankruptcy Dept.  
400 Countrywide Way  
Simi Valley, 93065

Pierce & Associates, P.C.  
1 North Dearborn Street  
Suite 1300  
Chicago, IL 60602

DCFS USA LLC  
Kathryn A. Klein  
c/o Riezman Berger, P.C.  
7700 Bonhomme Avenue  
7<sup>th</sup> Floor  
St. Louis, MO 63105

Fia Card Services  
successor to Bank of America MBNA America Bank  
1000 Samoset Drive  
DE5-023-03-03  
Newark, DE 19713

National City LOC  
P.O. Box 3038  
Kalamazoo, MI 49003

US Bank/Retail Payment Solutions  
PO Box 5229  
Cincinnati, OH 45201

Visa Credit Card Circuit City  
P.O. Box 15291  
Wilmington, DE 19886-5291

Wells Fargo  
P.O. Box 348750  
Sacramento, CA 95834

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**MOTION FOR FINAL DECREE**

NOW COMES David Kortan (the “Debtor”), Debtor and Debtor in Possession, by and through his attorneys, Forrest L. Ingram and Peter L. Berk, and moves this Honorable Court for a Final Decree, pursuant to Bankruptcy Rule 3022 and Local Rule 3022-1. In support of this Motion, the Debtor states as follows:

1. On October 9, 2007, the Debtor filed a voluntary case under Chapter 11 of Title 11 of the United States Code (“Bankruptcy Code”).
2. On July 16, 2008, the Debtor’s Second Amended Chapter 11 Plan was confirmed.
3. The Confirmed Plan divides creditors’ claims into four (4) separate classes, but the Debtor is only required to make payments to the members of Classes II-IV.
4. The Debtor has commenced distribution and has made all payments required to date by the Confirmed Plan. Class II creditors hold the mortgages on the Debtor’s principal residence, and are unimpaired by the Plan. The Debtor is current with respect to his payments to Class II creditors. Furthermore, the Debtor is current with regard to his payments to Class III general unsecured creditors. To date, he has made pro rata payments totaling \$2,900.00, with the next pro rata distribution scheduled to be made in August, 2010. The Debtors’ automobile lessors, who are unimpaired Class IV creditors, have also been paid up to date.
5. No adversary proceedings have been filed in this case.

6. To the best of his knowledge, the Debtor is current in the payment of all fees to the United States Trustee.

7. Therefore, the Confirmed Plan has been substantially consummated pursuant to 11 U.S.C. § 1101(2).

8. According to 11 U.S.C. § 1141(d)(5)(A), the Debtor is not entitled to a discharge until all Plan payments are completed. However, there is no reason for this case to remain open pending completion of the Plan payments. Closure will serve the interest of judicial economy, and will enable the Debtor to stop paying fees to the United States Trustee during a period in which no action is needed in the case.

9. The Debtor requests that he be granted leave to reopen the case upon completion of Plan payments to unsecured creditors, without payment of a reopening fee, in order to obtain his discharge.

WHEREFORE, the Debtor respectfully requests that the Court enter a final decree and direct the Clerk of Court to close the case, with leave to reopen the case without payment of a reopening fee for the purpose of requesting a discharge after payments to unsecured creditors under the Confirmed Plan are complete, and asks for such other and further relief as is just and necessary.

Respectfully submitted,

**DAVID KORTAN**

By: /s/ Peter L. Berk  
One of his attorneys

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Peter Berk, Esq. #6274567  
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